

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CVS RX SERVICES, INC.**

**and**

**Case 29-CA-141164**

**KENNETH STERNFELD**

**ORDER<sup>1</sup>**

The Respondent's Motion to Dismiss the Complaint is denied. The Respondent has not demonstrated that the complaint fails to state a claim upon which relief can be granted. Further, to the extent that the Respondent is seeking summary judgment on the complaint's allegations, it has failed to establish that there are no genuine issues of fact and that it is entitled to a judgment as a matter of law.<sup>2</sup>

Dated, Washington, D.C., June 15, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> In its motion, the Respondent argues that if the Board does not dismiss the complaint, the administrative law judge should order the Regional Director to provide a bill of particulars regarding the complaint allegations. In accordance with Section 102.24 of the Board's Rules and Regulations, the Respondent's request for a bill of particulars should have been filed with the Division of Judges rather than with the Board. However, on April 28, 2015, Administrative Law Judge Steven Davis denied the request and the Board has not received a request for special permission to appeal the judge's order. Accordingly, the Respondent's request for a bill of particulars is not before the Board.